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Of Attorneys for Lane County, Riley, Jester, McClure, Fifer, Fisher, Foley,
Baeuerlen, Gent, Gawith, Edwards, Santini, and Wilson

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DISTRICT

ANZHELIKA PAYNE, personal representative
to the estate of LANDON JAY PAYNE,

Plaintiff,

v.

JAIRO SOLORIO, an individual, ANDREW
ROBERTS, an individual, JACOB THOMAS,
an individual, ROBERT GRIESEL, an
individual, JUSTIN WILSON, an individual,
ZACHERY FULTON, an individual, EMMA
GROTEFEND, also known as EMMA
EDWARDS, an individual, COLTER
GAWITH, an individual, NATHAN GENT, an
individual, MICHAEL BAEUERLEN, an
individual, STEPHEN FOLEY, an individual,
JOSEPH FISHER, an individual, JEREMY
FIFER, an individual, WILLIAM MCCLURE,
an individual, LANCE JESTER, an individual,
RICHARD CLINTON RILEY, an individual,
CONNOR WEST SANTINI, an individual,
LANE COUNTY, and CITY OF EUGENE, a
municipal corporation.

Defendants.

Case No. 6:22-cv-00471-MC

**DECLARATION OF ANDREA D.
COIT IN SUPPORT OF LANE
COUNTY DEFENDANTS' RESPONSE
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
FIRST AMENDED COMPLAINT**

I, Andrea D. Coit, do hereby declare as follows:

1. I am the lead trial attorney for the Lane County Defendants in this matter.
2. In May 2023, the time I was asked to take over the defense of the Lane County Defendants in this case, I also represented Wellpath in various unrelated litigation matters. At the time of Mr. Payne's death, Wellpath and Lane County had contractually agreed that Wellpath would be responsible for the medical program and care of inmates at the Lane County jail.
3. This case included facts involving both Lane County deputies and Wellpath nurses. Specifically, the Wellpath nurses were involved with the Lane County deputies in efforts to resuscitate Mr. Payne after he passed away.
4. In May 2023, the operative complaint contained to facts in support of a claim that the Lane County deputies or the Wellpath nurses had engaged in intentional or negligent conduct in the course of providing resuscitation efforts to Mr. Payne. All of the factual allegations and claims for relief against the County Defendants related to and focused exclusively on the deputies' use of force and other observations/interactions with Mr. Payne before he suffered cardiac arrest and stopped breathing. From the face of the complaint, there was no actual conflict between Lane County and Wellpath.
5. I, however, wanted to be certain that an actual conflict would not later develop in this case, so I had a telephone discussion with counsel for Plaintiff before agreeing to the representation to find out there was any potential for a claim to be asserted based on the conduct of the Wellpath nurses. I let them know that I could not represent Lane County in this matter if its interests became adverse to Wellpath's interests. Plaintiff's counsel assured me at that time that there would not be a claim asserted based on the conduct of the Wellpath employees. In reliance on that assurance, I filed a notice of substitution, becoming counsel of record for the Lane County Defendants on June 5, 2023. (Dkt. 17).

6. Attached hereto as Exhibit 1 are true and accurate copies of the deposition notices for Deputy Santini, Deputy Baeuerlen, and Deputy McClure. The depositions of those County Defendants proceeded as scheduled on the noticed dates.

Pursuant to ORCP 1E, I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand they are made for use as evidence in court and are subject to penalty for perjury.

DATED this 19th day of September, 2024.

HUTCHINSON COX

By: s/Andrea D. Coit
Andrea D. Coit, OSB #002640

CERTIFICATE OF SERVICE

I certify that on September 19, 2024, I served or caused to be served a true and complete copy of the foregoing **DECLARATION OF ANDREA D. COIT IN SUPPORT OF LANE COUNTY DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND FIRST AMENDED COMPLAINT** on the party or parties listed below as follows:

- ☒ Via the Court's Efiling System
- ☐ Via First-Class Mail, Postage Prepaid
- ☐ Via Email
- ☐ Via Personal Delivery
- ☐ Via Facsimile

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Eugene, OR 97401
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Derek Larwick
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1190 West 7th Avenue
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Of Attorneys for Plaintiff

Ben Miller
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Kimberlee Collins Morrow
Hart Wagner, LLP
1000 SW Broadway
Suite 2000
Portland, OR 97205
kcm@hartwagner.com

Of Attorneys for Defendants

HUTCHINSON COX

By: s/Andrea D. Coit

Andrea D. Coit, OSB #002640
Ariana Denley, OSB #173314
Of Attorneys for Lane County, Riley, Jester,
McClure, Fifer, Fisher, Foley, Baeuerlen, Gent,
Gawith, Edwards, Santini, and Wilson

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derek@larwick.com
LARWICK LAW FIRM, PC
1190 West 7th Avenue
Eugene, OR 97402
Phone: 541-600-4598
Fax: 541-600-4598
Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ANZHELIA PAYNE, personal
representative to the estate of **LANDON**
PAYNE,

Plaintiff,

v.

JAIRO SOLORIO, individual,
ANDREW ROBERTS, an individual,
JACOB THOMAS, an individual,
ROBERT GRIESEL, an individual,
JUSTIN WILSON, an individual,
KIMBERLY FULTON, an individual,
EMMA EDWARDS, an individual,
COLTER GAWITH, an individual,
NATHAN GENT, an individual,

No. 6:22-CV-00471-MC

**PLAINTIFF'S AMENDED NOTICE
OF DEPOSITION OF CONNER
SANTINI**

MICHAEL BAEUERLEN, an individual, **STEPHEN FOLEY**, an individual, **JOSEPH FISHER**, an individual, **JEREMY FIFER**, an individual, **WILLIAM MCCLURE**, an individual, **LANCE JESTER**, an individual, **CLINT RILEY**, an individual, **C. SANTINI**, an individual, **LANE COUNTY**, and **CITY OF EUGENE**, a municipal corporation,

Defendants.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Pursuant to FRCP 30, Plaintiff hereby gives notice, by and through Plaintiff's attorney of record, that Plaintiff will take the deposition of:

Conner Santini
by and through their attorneys, Andrea Coit and Ariana Denley
Hutchinson Cox
940 Willamette Street, Suite 400
Eugene, OR 97440

at the offices of Hutchinson Cox, 940 Willamette Street, Suite 400, Eugene, OR, on October 23, 2023, commencing at 2:00pm and proceeding until completion. The deposition may be used for discovery purposes and/or introduced as evidence at trial. Plaintiff's counsel will record the deposition by videotape and/or audiotape, and the deposition will be recorded stenographically by a court reporter.

Dated October 19, 2023

LARWICK LAW FIRM, PC



Keith Reed, OSB No. 205506
Email: Keith@larwick.com

LAW OFFICE OF WILLOW HILLMAN
Willow Hillman, OSB No. 153514
Email: willow@willowhillmanlaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Plaintiff's Amended Notice of Deposition of Conner Santini is being served on the parties, through their respective counsel, in the following manner:

- ☒ First class mail (to all addresses shown below)
- ☐ Fax (to all fax numbers shown below)
- ☒ E-mail (to all e-mail addresses shown below)
- ☐ Electronically by the Court's eFiling system
- ☐ Hand delivery

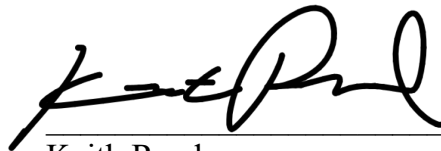
Andrea Coit, OSB No. 002640
940 Willamette Street, Suite 400
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Eugene, OR 97440
Ph: (540) 686-9160
Fax: (541) 343-8693
acoit@eugenelaw.com

Ben Miller
Eugene City Attorney's Office
101 W 10th Avenue, Suite 203
Eugene, OR 97401
Fax: (541) 682-5414
BMiller@eugene-or.gov

Kimberlee Morrow
HART WAGNER LLP
1000 SW Broadway Ste 2000
Portland, OR 97205
Fax: 503-222-2301
Email: kcm@hartwagner.com

Dated: October 19, 2023

LARWICK LAW FIRM, PC



Keith Reed
Of Attorneys for Plaintiff

Willow Hillman OSB No. 153514
willow@willowhillmanlaw.com
Law Office of Willow Hillman, LLC
44 Broadway, Suite 222
Eugene, OR 97401
Telephone: (541) 735-3678
Facsimile: (541) 485-7152

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LARWICK LAW FIRM, PC
1190 West 7th Avenue
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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ANZHELIA PAYNE, personal
representative to the estate of **LANDON**
PAYNE,

Plaintiff,

v.

JAIRO SOLORIO, individual,
ANDREW ROBERTS, an individual,
JACOB THOMAS, an individual,
ROBERT GRIESEL, an individual,
JUSTIN WILSON, an individual,
KIMBERLY FULTON, an individual,
EMMA EDWARDS, an individual,
COLTER GAWITH, an individual,
NATHAN GENT, an individual,

No. 6:22-CV-00471-MC

**PLAINTIFF'S AMENDED NOTICE
OF DEPOSITION OF MICHAEL
BAEUERLEN**

MICHAEL BAEUERLEN, an individual, **STEPHEN FOLEY**, an individual, **JOSEPH FISHER**, an individual, **JEREMY FIFER**, an individual, **WILLIAM MCCLURE**, an individual, **LANCE JESTER**, an individual, **CLINT RILEY**, an individual, **C. SANTINI**, an individual, **LANE COUNTY**, and **CITY OF EUGENE**, a municipal corporation,

Defendants.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Pursuant to FRCP 30, Plaintiff hereby gives notice, by and through Plaintiff's attorney of record, that Plaintiff will take the deposition of:

Michael Baeuerlen
by and through their attorneys, Andrea Coit and Ariana Denley
Hutchinson Cox
940 Willamette Street, Suite 400
Eugene, OR 97440

at the offices of Hutchinson Cox, 940 Willamette Street, Suite 400, Eugene, OR, on October 19, 2023, commencing at 10:00am and proceeding until completion. The deposition may be used for discovery purposes and/or introduced as evidence at trial. Plaintiff's counsel will record the deposition by videotape and/or audiotape, and the deposition will be recorded stenographically by a court reporter.

Dated October 18, 2023

LARWICK LAW FIRM, PC

A handwritten signature in black ink, appearing to read 'Keith Reed', is positioned above a horizontal line.

Keith Reed, OSB No. 205506

Email: keith@larwick.com

LAW OFFICE OF WILLOW HILLMAN

Willow Hillman, OSB No. 153514

Email: willow@willowhillmanlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Plaintiff's Amended Notice of Deposition of Michael Baeuerlen is being served on the parties, through their respective counsel, in the following manner:

- ☒ First class mail (to all addresses shown below)
- ☐ Fax (to all fax numbers shown below)
- ☒ E-mail (to all e-mail addresses shown below)
- ☐ Electronically by the Court's eFiling system
- ☐ Hand delivery

Andrea Coit, OSB No. 002640
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acoit@eugenelaw.com

Ben Miller
Eugene City Attorney's Office
101 W 10th Avenue, Suite 203
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Fax: (541) 682-5414
BMiller@eugene-or.gov

Kimberlee Morrow
HART WAGNER LLP
1000 SW Broadway Ste 2000
Portland, OR 97205
Fax: 503-222-2301
Email: kcm@hartwagner.com

Dated: October 18, 2023

LARWICK LAW FIRM, PC



Keith Reed
Of Attorneys for Plaintiff

Willow Hillman OSB No. 153514
willow@willowhillmanlaw.com
Law Office of Willow Hillman, LLC
44 Broadway, Suite 222
Eugene, OR 97401
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LARWICK LAW FIRM, PC
1190 West 7th Avenue
Eugene, OR 97402
Phone: 541-600-4598
Fax: 541-600-4598
Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ANZHELIA PAYNE, personal
representative to the estate of **LANDON**
PAYNE,

Plaintiff,

v.

JAIRO SOLORIO, individual,
ANDREW ROBERTS, an individual,
JACOB THOMAS, an individual,
ROBERT GRIESEL, an individual,
JUSTIN WILSON, an individual,
KIMBERLY FULTON, an individual,
EMMA EDWARDS, an individual,
COLTER GAWITH, an individual,
NATHAN GENT, an individual,

No. 6:22-CV-00471-MC

**PLAINTIFF'S AMENDED NOTICE
OF DEPOSITION OF WILLIAM
MCCLURE**

MICHAEL BAEUERLEN, an individual, **STEPHEN FOLEY**, an individual, **JOSEPH FISHER**, an individual, **JEREMY FIFER**, an individual, **WILLIAM MCCLURE**, an individual, **LANCE JESTER**, an individual, **CLINT RILEY**, an individual, **C. SANTINI**, an individual, **LANE COUNTY**, and **CITY OF EUGENE**, a municipal corporation,

Defendants.

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Pursuant to FRCP 30, Plaintiff hereby gives notice, by and through Plaintiff's attorney of record, that Plaintiff will take the deposition of:

William McClure
by and through their attorneys, Andrea Coit and Ariana Denley
Hutchinson Cox
940 Willamette Street, Suite 400
Eugene, OR 97440

at the offices of Hutchinson Cox, 940 Willamette Street, Suite 400, Eugene, OR, on October 16, 2023, commencing at 11:00am and proceeding until completion. The deposition may be used for discovery purposes and/or introduced as evidence at trial. Plaintiff's counsel will record the deposition by videotape and/or audiotape, and the deposition will be recorded stenographically by a court reporter.

Dated October 13, 2023

LARWICK LAW FIRM, PC



Derek Larwick, OSB No. 120334

Email: derek@larwick.com

LAW OFFICE OF WILLOW HILLMAN

Willow Hillman, OSB No. 153514

Email: willow@willowhillmanlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Plaintiff's Amended Notice of Deposition of William McClure is being served on the parties, through their respective counsel, in the following manner:

- ☐ First class mail (to all addresses shown below)
- ☐ Fax (to all fax numbers shown below)
- ☒ E-mail (to all e-mail addresses shown below)
- ☐ Electronically by the Court's eFiling system
- ☐ Hand delivery

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Fax: 503-222-2301
Email: kcm@hartwagner.com

Dated: October 13, 2023

LARWICK LAW FIRM, PC



Derek Larwick
Of Attorneys for Plaintiff